

REMARKS

Claims 26-35, 37, 40-46 and 94 are pending in this application. Claim 93 has been cancelled, as have numerous withdrawn claims. Claim 94 is newly added and other claims have been amended to depend from 94.

Report of Interviews

Applicants interviewed with the Examiner on January 22 and 28. In the first interview, we went over what we were seeking to patent and discussed changes in claim language that the Examiner might consider to express our use of a display fixture type abstraction layer (discussed in prior responses to office actions) while clearly distinguishing over the art of record. Between the interviews, we submitted a draft claim in substantially the same form as the newly added claim 94. We were encouraged that the Examiner seemed to believe that the new claim distinguished over the art cited in this and related cases that are pending before the same Examiner. We look forward to hearing the results of a supplemental search.

We encourage the Examiner to call with the results of her supplemental search, so that we can arrange a further amendment, if need be, to place the case in condition for allowance.

Rejection Under 35 U.S.C. § 103(a) of Claims 26-35, 37, 40-46

The Examiner rejects **claims 26-35, 37, 40-46** under 35 U.S.C. § 103(a) as unpatentable over Landvater (US 6,609,101) in view of Display Unlimited (www.displayunlimited.com).

Claim 94

The newly added claim 94 includes the limitations:

A computer-implemented method of improving the efficiency of planning presentations and simulating demand and stocking requirements for items placed in standard display fixture types used in stores having differing floor plans, including:

eliciting from a first user a schedule of display fixtures, to be used in a plurality of stores having differing floor plans and storing the schedule in a data structure stored in computer readable memory, wherein the resulting schedule of named display fixtures includes

fixture identifiers for a plurality of fixture types;

capacities of the fixture types to hold items; and

names for instances of a fixture type (hereinafter “named display fixtures”) used to present the items;

eliciting from a second user a store-by-store schedule of named display fixtures used in the stores, wherein the stores have varying floor plans;

eliciting from a third user a plan to stock the named display fixtures with items to be displayed, without requiring knowledge of the varying floor plans of the stores, and storing the resulting stocking plan in a data structure stored in computer readable memory, wherein the stocking plan for the named display fixtures includes

presentation quantities of items required and

dates during which the items will be displayed at particular stores;

modeling lead times with time elements, which collectively represent the overall lead time for an order or other action to lead to stocking of the named display fixtures at particular stores;

simulating sales of the items from the named display fixtures at the stores and calculating orders that would need to be placed for the items to accommodate the simulated sales, the order calculations using at least

the selected overall lead time,

the presentation dates and

the quantities; and

outputting the calculated orders.

These limitations are not found in Landvater in view of Display Unlimited. In this claim, we have recast the use of the named display fixtures abstraction, along lines that seemed more agreeable to the Examiner. This claim captures a degree of interactivity in the method.

We note that many retail chains would assign different individuals to the roles of first, second and third user, such as a concept planner who selects the overall retailing approach, a facilities manager who keeps track of layouts in many outlets, and a product manager who defines marketing campaigns. However, we do not intend this for this claim to require three distinct individuals, if an organization decides that two or more of the three roles can be staffed by the same individual.

Dependent Claims 26-35, 37, 40-46

These should be allowable over Landvater in view of Display Unlimited because they depend from an allowable independent claim, and for the reasons given in response to prior office actions, which are hereby incorporated by reference.

Applicants respectfully submit that the claims should be allowed over Landvater in view of Display Unlimited.

CONCLUSION

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

Applicants would welcome an interview, if the Examiner is so inclined. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Fee Authorization. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (BLFR 1001-1).

Respectfully submitted,

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